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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,361	11/19/2001	Kyung H. Min	1138.09	7272

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EXAMINER

DANG, HUNG XUAN

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/992,361

Applicant(s)
Min

Examiner
Hung X. Dang

Art Unit
2873



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 19, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 20) ☐ Other:

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Oath/Declaration

1. The declaration filed 11/19/01 is acceptable.

Information Disclosure Statement

2. The Information disclosure Statements filed on 11/19/01 has not been considered because the document 2001-22673 cited in IDS which is a foreign priority of this application (see the Declaration).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the female portion accepts the male portion" as recited in claims 2 and 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claims Rejection Under 35 USC - 112

4. Claims 2-4, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 2 and 13 are recited "the detent having a male portion and a female portion whereby the female portion accepts the male portion" is unclear, how the female portion accepts the male portion? And there is nowhere in the drawing show that the interrelationship between the female portion and the male portion.

Claims 2-4 are depend on themself.

Claims Rejection Under 35 USC - 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Mage** (5,898,468).

Mage discloses fog-resistant sunglasses incorporating ventilation channels which comprises a front frame which spans across the wearer's face and includes forward and aft sides. The front frame further includes a pair of apertures which are forwardly directed and define ventilation channels for facilitating airflow through the front frame adjacent the lenses

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and a pair of apertures adjacent the wearer's temple which are circulation of air over the back surfaces of the lenses to resist the fogging thereof.

Claims Rejection Under 35 USC - 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-14, 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over **Mage** (5,898,468) in view of **Bolle' et al** (4,934,807).

Mage discloses fog-resistant sunglasses incorporating ventilation channels which comprises a front frame which spans across the wearer's face and includes forward and aft sides. The front frame further includes a pair of apertures which are forwardly directed and define ventilation channels for facilitating airflow through the front frame adjacent the lenses

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and a pair of apertures adjacent the wearer's temple which are circulation of air over the back surfaces of the lenses to resist the fogging thereof. Mage does not disclose a pad being attached to the inner frame.

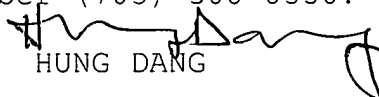
Bolle' et al, however, discloses that a pad being attached to the inner frame.

Because Mage and Bolle' et al are both from the same field of endeavor, the purpose of preventing the wind blowing to the wearer's eye as disclosed by Bolle' et al would have been recognized as an art pertinent art of Mage.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the eyeglasses frame, such as the one disclosed by Mage, with a pad being attached to the inner frame, such as disclosed by Bolle' et al for the purpose of preventing the wind blowing to the wearer's eye.

8. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (703) 308-0550.

1/99


HUNG DANG

PRIMARY EXAMINER

TC 2800